

1 A bill to be entitled

2 An act relating to infrastructure; repealing s. 163.2526,
3 F.S., relating to a review and evaluation of urban infill;
4 amending s. 163.3167, F.S.; deleting provisions relating
5 to local government comprehensive plans; amending s.
6 163.3177, F.S.; revising requirements for comprehensive
7 plans; providing for airports, land adjacent to airports,
8 and certain interlocal agreements relating thereto in
9 certain elements of the plan; revising certain planning
10 schedule provisions; revising provisions for rules applied
11 to determine consistency of the plans; amending s.
12 163.3182, F.S.; providing legislative findings with
13 respect to the public purpose in eliminating
14 transportation deficiencies; authorizing transportation
15 concurrency backlog authorities to issue bonds; revising
16 provisions related to financing schedules; increasing the
17 ad valorem tax increment used to fund a transportation
18 concurrency backlog trust fund; revising the conditions
19 for dissolving a transportation concurrency backlog
20 authority; amending s. 163.32465, F.S.; providing that the
21 state land planning agency may intervene in certain
22 proceedings to challenge plan amendments; amending s.
23 316.1575, F.S.; requiring a person walking or driving a
24 vehicle to stop at a railroad crossing upon the signal of
25 a law enforcement officer; amending s. 316.159, F.S.;
26 requiring the driver of a commercial motor vehicle to slow
27 when approaching a railroad crossing; providing that a
28 violation of such requirement is a noncriminal moving

29 violation; amending s. 316.302, F.S.; revising references
30 to rules, regulations, and criteria governing commercial
31 motor vehicles engaged in intrastate commerce; providing
32 that the Department of Transportation performs duties
33 assigned to the Field Administrator of the Federal Motor
34 Carrier Safety Administration under the federal rules and
35 may enforce those rules; amending ss. 316.613 and 316.614,
36 F.S.; redefining the term "motor vehicle" to exclude
37 certain trucks from the requirement to use a child
38 restraint or safety belt; amending s. 320.0715, F.S.;
39 requiring the Department of Highway Safety and Motor
40 Vehicles to withhold issuing or to suspend a registration
41 and license plate for a commercial motor vehicle if the
42 federal identifying number is not provided or if the motor
43 carrier or vehicle owner has been prohibited from
44 operating; amending s. 320.0894, F.S.; providing for
45 issuance of Gold Star license plates to certain family
46 members; amending s. 322.01, F.S.; providing for certain
47 provisions relating to the operation of motor vehicles to
48 apply to a person holding a commercial driver's license;
49 revising the definition of the term "hazardous materials";
50 amending s. 322.61, F.S.; clarifying provisions
51 disqualifying a person from operating a commercial motor
52 vehicle following certain traffic violations; providing
53 for permanent disqualification following conviction of a
54 felony involving the manufacture, distribution, or
55 dispensing of a controlled substance; amending s. 322.64,
56 F.S.; providing that refusal to submit to a breath, urine,

57 or blood test disqualifies a person from operating a
58 commercial motor vehicle; providing a period of
59 disqualification if a person has an unlawful blood-alcohol
60 or breath-alcohol level; providing for issuance of a
61 notice of disqualification; revising the requirements for
62 a formal review hearing following a person's
63 disqualification from operating a commercial motor
64 vehicle; amending s. 338.223, F.S.; conforming a cross-
65 reference; amending s. 339.155, F.S.; revising provisions
66 for development of the statewide transportation plan by
67 the Department of Transportation; amending ss. 339.2819
68 and 339.285, F.S.; conforming cross-references; amending
69 s. 420.9076, F.S.; revising membership criteria for
70 affordable housing advisory committees; revising notice
71 requirements for public hearings of the advisory
72 committee; requiring the committee's final report,
73 evaluation, and recommendations to be submitted to the
74 corporation; conforming a cross-reference; repealing s.
75 420.9078, F.S., relating to administration of certain
76 funds in the Local Government Housing Trust Fund;
77 providing for a transportation revenue study commission;
78 providing findings and intent; providing powers and
79 duties; providing for membership and organization;
80 providing for resources and appropriations; providing
81 effective dates.

82
83 Be It Enacted by the Legislature of the State of Florida:
84

85 Section 1. Section 163.2526, Florida Statutes, is
 86 repealed.

87 Section 2. Subsection (2) of section 163.3167, Florida
 88 Statutes, is amended to read:

89 163.3167 Scope of act.--

90 (2) Each local government shall prepare a comprehensive
 91 plan of the type and in the manner set out in this part ~~act~~ or
 92 shall prepare amendments to its existing comprehensive plan to
 93 conform it to the requirements of this part in the manner set
 94 out in this part. Each local government, in accordance with ~~the~~
 95 ~~procedures in s. 163.3184,~~ shall submit its complete proposed
 96 comprehensive plan or its complete comprehensive plan as
 97 proposed to be amended to the state land planning agency ~~by the~~
 98 ~~date specified in the rule adopted by the state land planning~~
 99 ~~agency pursuant to this subsection. The state land planning~~
 100 ~~agency shall, prior to October 1, 1987, adopt a schedule of~~
 101 ~~local governments required to submit complete proposed~~
 102 ~~comprehensive plans or comprehensive plans as proposed to be~~
 103 ~~amended. Such schedule shall specify the exact date of~~
 104 ~~submission for each local government, shall establish equal,~~
 105 ~~staggered submission dates, and shall be consistent with the~~
 106 ~~following time periods:~~

107 ~~(a) Beginning on July 1, 1988, and on or before July 1,~~
 108 ~~1990, each county that is required to include a coastal~~
 109 ~~management element in its comprehensive plan and each~~
 110 ~~municipality in such a county; and~~

111 ~~(b) Beginning on July 1, 1989, and on or before July 1,~~
 112 ~~1991, all other counties or municipalities.~~

113
 114 ~~Nothing herein shall preclude the state land planning agency~~
 115 ~~from permitting by rule a county together with each municipality~~
 116 ~~in the county from submitting a proposed comprehensive plan~~
 117 ~~earlier than the dates established in paragraphs (a) and (b).~~
 118 ~~Any county or municipality that fails to meet the schedule set~~
 119 ~~for submission of its proposed comprehensive plan by more than~~
 120 ~~90 days shall be subject to the sanctions described in s.~~
 121 ~~163.3184(11) (a) imposed by the Administration Commission.~~
 122 ~~Notwithstanding the time periods established in this subsection,~~
 123 ~~the state land planning agency may establish later deadlines for~~
 124 ~~the submission of proposed comprehensive plans or comprehensive~~
 125 ~~plans as proposed to be amended for a county or municipality~~
 126 ~~which has all or a part of a designated area of critical state~~
 127 ~~concern within its boundaries; however, such deadlines shall not~~
 128 ~~be extended to a date later than July 1, 1991, or the time of~~
 129 ~~de designation, whichever is earlier.~~

130 Section 3. Paragraphs (a), (h), and (j) of subsection (6)
 131 and paragraph (k) of subsection (10) of section 163.3177,
 132 Florida Statutes, are amended to read:

133 163.3177 Required and optional elements of comprehensive
 134 plan; studies and surveys.--

135 (6) In addition to the requirements of subsections (1)-(5)
 136 and (12), the comprehensive plan shall include the following
 137 elements:

138 (a) A future land use plan element designating proposed
 139 future general distribution, location, and extent of the uses of
 140 land for residential uses, commercial uses, industry,

141 agriculture, recreation, conservation, education, public
142 buildings and grounds, other public facilities, and other
143 categories of the public and private uses of land. Counties are
144 encouraged to designate rural land stewardship areas, pursuant
145 to the provisions of paragraph (11)(d), as overlays on the
146 future land use map. Each future land use category must be
147 defined in terms of uses included, and must include standards to
148 be followed in the control and distribution of population
149 densities and building and structure intensities. The proposed
150 distribution, location, and extent of the various categories of
151 land use shall be shown on a land use map or map series which
152 shall be supplemented by goals, policies, and measurable
153 objectives. The future land use plan shall be based upon
154 surveys, studies, and data regarding the area, including the
155 amount of land required to accommodate anticipated growth; the
156 projected population of the area; the character of undeveloped
157 land; the availability of water supplies, public facilities, and
158 services; the need for redevelopment, including the renewal of
159 blighted areas and the elimination of nonconforming uses which
160 are inconsistent with the character of the community; the
161 compatibility of uses on lands adjacent to or closely proximate
162 to military installations and airports as defined in s.
163 333.01(2) and consistent with provisions in s. 333.02; and, in
164 rural communities, the need for job creation, capital
165 investment, and economic development that will strengthen and
166 diversify the community's economy. The future land use plan may
167 designate areas for future planned development use involving
168 combinations of types of uses for which special regulations may

169 | be necessary to ensure development in accord with the principles
170 | and standards of the comprehensive plan and this act. The future
171 | land use plan element shall include criteria to be used to
172 | achieve the compatibility of adjacent or closely proximate lands
173 | with military installations and airports as defined in s.
174 | 333.01(2) and consistent with provisions in s. 333.02. In
175 | addition, for rural communities, the amount of land designated
176 | for future planned industrial use shall be based upon surveys
177 | and studies that reflect the need for job creation, capital
178 | investment, and the necessity to strengthen and diversify the
179 | local economies, and shall not be limited solely by the
180 | projected population of the rural community. The future land use
181 | plan of a county may also designate areas for possible future
182 | municipal incorporation. The land use maps or map series shall
183 | generally identify and depict historic district boundaries and
184 | shall designate historically significant properties meriting
185 | protection. For coastal counties, the future land use element
186 | must include, without limitation, regulatory incentives and
187 | criteria that encourage the preservation of recreational and
188 | commercial working waterfronts as defined in s. 342.07. The
189 | future land use element must clearly identify the land use
190 | categories in which public schools are an allowable use. When
191 | delineating the land use categories in which public schools are
192 | an allowable use, a local government shall include in the
193 | categories sufficient land proximate to residential development
194 | to meet the projected needs for schools in coordination with
195 | public school boards and may establish differing criteria for
196 | schools of different type or size. Each local government shall

197 include lands contiguous to existing school sites, to the
 198 maximum extent possible, within the land use categories in which
 199 public schools are an allowable use. The failure by a local
 200 government to comply with these school siting requirements will
 201 result in the prohibition of the local government's ability to
 202 amend the local comprehensive plan, except for plan amendments
 203 described in s. 163.3187(1)(b), until the school siting
 204 requirements are met. Amendments proposed by a local government
 205 for purposes of identifying the land use categories in which
 206 public schools are an allowable use are exempt from the
 207 limitation on the frequency of plan amendments contained in s.
 208 163.3187. The future land use element shall include criteria
 209 that encourage the location of schools proximate to urban
 210 residential areas to the extent possible and shall require that
 211 the local government seek to collocate public facilities, such
 212 as parks, libraries, and community centers, with schools to the
 213 extent possible and to encourage the use of elementary schools
 214 as focal points for neighborhoods. For schools serving
 215 predominantly rural counties, defined as a county with a
 216 population of 100,000 or fewer, an agricultural land use
 217 category shall be eligible for the location of public school
 218 facilities if the local comprehensive plan contains school
 219 siting criteria and the location is consistent with such
 220 criteria. Local governments required to update or amend their
 221 comprehensive plan to include criteria and address compatibility
 222 of adjacent or closely proximate lands with an existing or new
 223 airport, defined in s. 333.01(2) and consistent with provisions
 224 in s. 333.02, ~~military installations~~ in their future land use

225 | plan element shall transmit the update or amendment to the
 226 | department by June 30, 2010 ~~2006~~.

227 | (h)1. An intergovernmental coordination element showing
 228 | relationships and stating principles and guidelines to be used
 229 | in coordinating ~~the accomplishment of coordination of~~ the
 230 | adopted comprehensive plan with the plans of school boards,
 231 | regional water supply authorities, and other units of local
 232 | government providing services but not having regulatory
 233 | authority over the use of land, with the comprehensive plans of
 234 | adjacent municipalities, the county, adjacent counties, or the
 235 | region, with the state comprehensive plan and with the
 236 | applicable regional water supply plan approved pursuant to s.
 237 | 373.0361, as the case may require and as such adopted plans or
 238 | plans in preparation may exist. This element of the local
 239 | comprehensive plan must ~~shall~~ demonstrate consideration of the
 240 | particular effects of the local plan, when adopted, upon the
 241 | development of adjacent municipalities, the county, adjacent
 242 | counties, or the region, or upon the state comprehensive plan,
 243 | as the case may require.

244 | a. The intergovernmental coordination element shall
 245 | provide ~~for~~ procedures for identifying and implementing ~~to~~
 246 | ~~identify and implement~~ joint planning areas, especially for the
 247 | purpose of annexation, municipal incorporation, and joint
 248 | infrastructure service areas.

249 | b. The intergovernmental coordination element must ~~shall~~
 250 | provide for recognition of campus master plans prepared pursuant
 251 | to s. 1013.30.

252 | c. The intergovernmental coordination element may provide

253 for a voluntary dispute resolution process, as established
 254 pursuant to s. 186.509, ~~for bringing to closure in a timely~~
 255 ~~manner~~ intergovernmental disputes to closure in a timely manner.
 256 A local government may also develop and use an alternative local
 257 dispute resolution process for this purpose.

258 d. The intergovernmental coordination element shall
 259 provide for interlocal agreements, as established pursuant to s.
 260 333.03(1)(b).

261 2. The intergovernmental coordination element shall also
 262 ~~further~~ state principles and guidelines to be used in
 263 coordinating the accomplishment of coordination of the adopted
 264 comprehensive plan with the plans of school boards and other
 265 units of local government providing facilities and services but
 266 not having regulatory authority over the use of land. In
 267 addition, the intergovernmental coordination element must ~~shall~~
 268 describe joint processes for collaborative planning and
 269 decisionmaking on population projections and public school
 270 siting, the location and extension of public facilities subject
 271 to concurrency, and siting facilities with countywide
 272 significance, including locally unwanted land uses whose nature
 273 and identity are established in an agreement. Within 1 year of
 274 adopting their intergovernmental coordination elements, each
 275 county, all the municipalities within that county, the district
 276 school board, and any unit of local government service providers
 277 in that county shall establish by interlocal or other formal
 278 agreement executed by all affected entities, the joint processes
 279 described in this subparagraph consistent with their adopted
 280 intergovernmental coordination elements.

281 3. To foster coordination between special districts and
282 local general-purpose governments as local general-purpose
283 governments implement local comprehensive plans, each
284 independent special district must submit a public facilities
285 report to the appropriate local government as required by s.
286 189.415.

287 4.~~a~~. Local governments must execute an interlocal
288 agreement with the district school board, the county, and
289 nonexempt municipalities pursuant to s. 163.31777. The local
290 government shall amend the intergovernmental coordination
291 element to provide that coordination between the local
292 government and school board is pursuant to the agreement and
293 shall state the obligations of the local government under the
294 agreement.

295 ~~b~~. Plan amendments that comply with this subparagraph are
296 exempt from the provisions of s. 163.3187(1).

297 ~~5. The state land planning agency shall establish a~~
298 ~~schedule for phased completion and transmittal of plan~~
299 ~~amendments to implement subparagraphs 1., 2., and 3. from all~~
300 ~~jurisdictions so as to accomplish their adoption by December 31,~~
301 ~~1999. A local government may complete and transmit its plan~~
302 ~~amendments to carry out these provisions prior to the scheduled~~
303 ~~date established by the state land planning agency. The plan~~
304 ~~amendments are exempt from the provisions of s. 163.3187(1).~~

305 ~~5.6~~. By January 1, 2004, any county having a population
306 greater than 100,000, and the municipalities and special
307 districts within that county, shall submit a report to the
308 Department of Community Affairs which identifies:

309 a. ~~Identifies~~ All existing or proposed interlocal service
 310 delivery agreements relating to ~~regarding the following:~~
 311 education; sanitary sewer; public safety; solid waste; drainage;
 312 potable water; parks and recreation; and transportation
 313 facilities.

314 b. ~~Identifies~~ Any deficits or duplication in the provision
 315 of services within its jurisdiction, whether capital or
 316 operational. Upon request, the Department of Community Affairs
 317 shall provide technical assistance to the local governments in
 318 identifying deficits or duplication.

319 ~~6.7.~~ Within 6 months after submission of the report, the
 320 Department of Community Affairs shall, through the appropriate
 321 regional planning council, coordinate a meeting of all local
 322 governments within the regional planning area to discuss the
 323 reports and potential strategies to remedy any identified
 324 deficiencies or duplications.

325 ~~7.8.~~ Each local government shall update its
 326 intergovernmental coordination element based upon the findings
 327 in the report submitted pursuant to subparagraph 5. ~~6.~~ The
 328 report may be used as supporting data and analysis for the
 329 intergovernmental coordination element.

330 (j) For each unit of local government within an urbanized
 331 area designated for purposes of s. 339.175, a transportation
 332 element, which shall be prepared and adopted in lieu of the
 333 requirements of paragraph (b) and paragraphs (7)(a), (b), (c),
 334 and (d) and which shall address the following issues:

335 1. Traffic circulation, including major thoroughfares and
 336 other routes, including bicycle and pedestrian ways.

- 337 2. All alternative modes of travel, such as public
 338 transportation, pedestrian, and bicycle travel.
- 339 3. Parking facilities.
- 340 4. Aviation, rail, seaport facilities, access to those
 341 facilities, and intermodal terminals.
- 342 5. The availability of facilities and services to serve
 343 existing land uses and the compatibility between future land use
 344 and transportation elements.
- 345 6. The capability to evacuate the coastal population prior
 346 to an impending natural disaster.
- 347 7. Airports, projected airport and aviation development,
 348 and land use compatibility around airports that includes areas
 349 defined in s. 333.01 and s. 333.02.
- 350 8. An identification of land use densities, building
 351 intensities, and transportation management programs to promote
 352 public transportation systems in designated public
 353 transportation corridors so as to encourage population densities
 354 sufficient to support such systems.
- 355 9. May include transportation corridors, as defined in s.
 356 334.03, intended for future transportation facilities designated
 357 pursuant to s. 337.273. If transportation corridors are
 358 designated, the local government may adopt a transportation
 359 corridor management ordinance.
- 360 (10) The Legislature recognizes the importance and
 361 significance of chapter 9J-5, Florida Administrative Code, the
 362 Minimum Criteria for Review of Local Government Comprehensive
 363 Plans and Determination of Compliance of the Department of
 364 Community Affairs that will be used to determine compliance of

365 local comprehensive plans. The Legislature reserved unto itself
 366 the right to review chapter 9J-5, Florida Administrative Code,
 367 and to reject, modify, or take no action relative to this rule.
 368 Therefore, pursuant to subsection (9), the Legislature hereby
 369 has reviewed chapter 9J-5, Florida Administrative Code, and
 370 expresses the following legislative intent:

371 (k) In order for ~~So that~~ local governments ~~are able to~~
 372 prepare and adopt comprehensive plans with knowledge of the
 373 rules that are ~~will be~~ applied to determine consistency of the
 374 plans with provisions of this part, it is the intent of the
 375 Legislature that there should be no doubt as to the legal
 376 standing of chapter 9J-5, Florida Administrative Code, at the
 377 close of the 1986 legislative session. Therefore, the
 378 Legislature declares that changes made to chapter 9J-5, ~~Florida~~
 379 ~~Administrative Code,~~ prior to October 1, 1986, are ~~shall not be~~
 380 subject to rule challenges under s. 120.56(2), or to drawout
 381 proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5,
 382 Florida Administrative Code, as amended, shall be subject to
 383 rule challenges under s. 120.56(3), as nothing herein indicates
 384 ~~shall be construed to indicate~~ approval or disapproval of any
 385 portion of chapter 9J-5, ~~Florida Administrative Code,~~ not
 386 specifically addressed herein. ~~No challenge pursuant to s.~~
 387 ~~120.56(3) may be filed from July 1, 1987, through April 1, 1993.~~
 388 ~~Any amendments to chapter 9J-5, Florida Administrative Code,~~
 389 ~~exclusive of the amendments adopted prior to October 1, 1986,~~
 390 ~~pursuant to this act, shall be subject to the full chapter 120~~
 391 ~~process. All amendments shall have effective dates as provided~~
 392 ~~in chapter 120 and submission to the President of the Senate and~~

393 ~~Speaker of the House of Representatives shall not be required.~~

394 Section 4. Subsection (2), paragraph (d) of subsection
 395 (3), paragraph (a) of subsection (4), and subsections (5) and
 396 (8) of section 163.3182, Florida Statutes, are amended to read:

397 163.3182 Transportation concurrency backlogs.--

398 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
 399 AUTHORITIES; FINDINGS.--

400 (a) A county or municipality may create a transportation
 401 concurrency backlog authority if it has an identified
 402 transportation concurrency backlog.

403 (b) Acting as the transportation concurrency backlog
 404 authority within the authority's jurisdictional boundary, the
 405 governing body of a county or municipality shall adopt and
 406 implement a plan to eliminate all identified transportation
 407 concurrency backlogs within the authority's jurisdiction using
 408 funds provided pursuant to subsection (5) and as otherwise
 409 provided pursuant to this section.

410 (c) The Legislature finds that there exist in counties and
 411 municipalities of the state areas that have significant
 412 transportation deficiencies and inadequate transportation
 413 facilities; that many of such insufficiencies and inadequacies
 414 severely limit or prohibit the satisfaction of transportation
 415 concurrency standards; that such transportation insufficiencies
 416 and inadequacies affect the health, safety, and welfare of the
 417 residents of this state; that such transportation
 418 insufficiencies and inadequacies adversely affect economic
 419 development and growth of the tax base for the areas in which
 420 such insufficiencies and inadequacies exist; and that the

421 elimination of transportation deficiencies and inadequacies and
 422 the satisfaction of transportation concurrency standards are
 423 paramount public purposes for the state and its counties and
 424 municipalities.

425 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG
 426 AUTHORITY.--Each transportation concurrency backlog authority
 427 has the powers necessary or convenient to carry out the purposes
 428 of this section, including the following powers in addition to
 429 others granted in this section:

430 (d) To borrow money, including, but not limited to,
 431 issuing debt obligations, such as bonds, notes, certificates,
 432 and similar debt instruments; to apply for and accept advances,
 433 loans, grants, contributions, and any other forms of financial
 434 assistance from the Federal Government or the state, county, or
 435 any other public body or from any sources, public or private,
 436 for the purposes of this part; to give such security as may be
 437 required; to enter into and carry out contracts or agreements;
 438 and to include in any contracts for financial assistance with
 439 the Federal Government for or with respect to a transportation
 440 concurrency backlog project and related activities such
 441 conditions imposed pursuant to federal laws as the
 442 transportation concurrency backlog authority considers
 443 reasonable and appropriate and which are not inconsistent with
 444 the purposes of this section.

445 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

446 (a) Each transportation concurrency backlog authority
 447 shall adopt a transportation concurrency backlog plan as a part

448 of the local government comprehensive plan within 6 months after
 449 the creation of the authority. The plan shall:

450 1. Identify all transportation facilities that have been
 451 designated as deficient and require the expenditure of moneys to
 452 upgrade, modify, or mitigate the deficiency.

453 2. Include a priority listing of all transportation
 454 facilities that have been designated as deficient and do not
 455 satisfy concurrency requirements pursuant to s. 163.3180, and
 456 the applicable local government comprehensive plan.

457 3. Establish a schedule for financing and construction of
 458 transportation concurrency backlog projects that will eliminate
 459 transportation concurrency backlogs within the jurisdiction of
 460 the authority within 10 years after the transportation
 461 concurrency backlog plan adoption. The schedule shall be adopted
 462 as part of the local government comprehensive plan.

463
 464 Notwithstanding any other provision in this paragraph, so long
 465 as the schedule provides for the elimination of all
 466 transportation concurrency backlogs within 10 years after the
 467 adoption of the concurrency backlog plan, the final maturity
 468 date of any debt incurred to finance or refinance the related
 469 projects may be no later than 40 years following the date such
 470 debt is incurred, and the authority may continue operations and
 471 may administer the local transportation concurrency backlog
 472 trust fund established in connection therewith for so long as
 473 such debt remains outstanding.

474 (5) ESTABLISHMENT OF LOCAL TRUST FUND.--The transportation
 475 concurrency backlog authority shall establish a local

476 transportation concurrency backlog trust fund upon creation of
477 the authority. Each local trust fund shall be administered by
478 the transportation concurrency backlog authority within which a
479 transportation concurrency backlog has been identified. Each
480 local trust fund shall continue to be funded pursuant to this
481 section for so long as the projects set forth in the related
482 transportation concurrency backlog plan remain to be completed
483 or until any debt incurred to finance or refinance the related
484 projects is no longer outstanding, whichever occurs later.
485 Beginning in the first fiscal year after the creation of the
486 authority, each local trust fund shall be funded by the proceeds
487 of an ad valorem tax increment collected within each
488 transportation concurrency backlog area to be determined
489 annually and shall be 50 ~~25~~ percent of the difference between
490 the amounts set forth in paragraphs (a) and (b); however, all of
491 the affected taxing authorities may agree pursuant to the
492 interlocal agreement required in paragraph (1)(a) that a local
493 trust fund be funded by the proceeds of an ad valorem tax
494 increment greater than 50 percent of the difference between the
495 amounts set forth in paragraphs (a) and (b):

496 (a) The amount of ad valorem tax levied each year by each
497 taxing authority, exclusive of any amount from any debt service
498 millage, on taxable real property contained within the
499 jurisdiction of the transportation concurrency backlog authority
500 and within the transportation backlog area; and

501 (b) The amount of ad valorem taxes which would have been
502 produced by the rate upon which the tax is levied each year by
503 or for each taxing authority, exclusive of any debt service

504 millage, upon the total of the assessed value of the taxable
 505 real property within the transportation concurrency backlog area
 506 as shown on the most recent assessment roll used in connection
 507 with the taxation of such property of each taxing authority
 508 prior to the effective date of the ordinance funding the trust
 509 fund.

510 (8) DISSOLUTION.--Upon completion of all transportation
 511 concurrency backlog projects and the repayment or defeasance of
 512 all debt that was issued to finance or refinance such projects,
 513 a transportation concurrency backlog authority shall be
 514 dissolved, and its assets and liabilities shall be transferred
 515 to the county or municipality within which the authority is
 516 located. All remaining assets of the authority must be used for
 517 implementation of transportation projects within the
 518 jurisdiction of the authority. The local government
 519 comprehensive plan shall be amended to remove the transportation
 520 concurrency backlog plan.

521 Section 5. Paragraph (a) of subsection (6) of section
 522 163.32465, Florida Statutes, is amended to read:

523 163.32465 State review of local comprehensive plans in
 524 urban areas.--

525 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS FOR PILOT
 526 PROGRAM.--

527 (a) Any "affected person" as defined in s. 163.3184(1)(a)
 528 may file a petition with the Division of Administrative Hearings
 529 pursuant to ss. 120.569 and 120.57, with a copy served on the
 530 affected local government, to request a formal hearing to
 531 challenge whether the amendments are "in compliance" as defined

532 in s. 163.3184(1)(b). This petition must be filed with the
 533 Division within 30 days after the local government adopts the
 534 amendment. The state land planning agency may intervene in a
 535 proceeding instituted by an affected person.

536 Section 6. Paragraph (b) of subsection (1) of section
 537 316.1575, Florida Statutes, is amended to read:

538 316.1575 Obedience to traffic control devices at railroad-
 539 highway grade crossings.--

540 (1) Any person walking or driving a vehicle and
 541 approaching a railroad-highway grade crossing under any of the
 542 circumstances stated in this section shall stop within 50 feet
 543 but not less than 15 feet from the nearest rail of such railroad
 544 and shall not proceed until he or she can do so safely. The
 545 foregoing requirements apply when:

546 (b) A crossing gate is lowered or a law enforcement
 547 officer or a human flagger gives or continues to give a signal
 548 of the approach or passage of a railroad train;

549 Section 7. Section 316.159, Florida Statutes, is amended
 550 to read:

551 316.159 Certain vehicles to stop or slow at all railroad
 552 grade crossings.--

553 (1) The driver of any motor vehicle carrying passengers
 554 for hire, excluding taxicabs, of any school bus carrying any
 555 school child, or of any vehicle carrying explosive substances or
 556 flammable liquids as a cargo or part of a cargo, before crossing
 557 at grade any track or tracks of a railroad, shall stop such
 558 vehicle within 50 feet but not less than 15 feet from the
 559 nearest rail of the railroad and, while so stopped, shall listen

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560 and look in both directions along the track for any approaching
561 train, and for signals indicating the approach of a train,
562 except as hereinafter provided, and shall not proceed until he
563 or she can do so safely. After stopping as required herein and
564 upon proceeding when it is safe to do so, the driver of any such
565 vehicle shall cross only in a gear of the vehicle so that there
566 will be no necessity for changing gears while traversing the
567 crossing, and the driver shall not shift gears while crossing
568 the track or tracks.

569 (2) No stop need be made at any such crossing where a
570 police officer, a traffic control signal, or a sign directs
571 traffic to proceed. However, any school bus carrying any school
572 child shall be required to stop unless directed to proceed by a
573 police officer.

574 (3) The driver of a commercial motor vehicle that is not
575 required to stop under subsection (1) or subsection (2) shall,
576 before crossing at grade any track or tracks of a railroad, slow
577 down and check that the tracks are clear of an approaching
578 train.

579 ~~(4)(3)~~ A violation of this section is a noncriminal
580 traffic infraction, punishable as a moving violation as provided
581 in chapter 318.

582 Section 8. Effective October 1, 2008, paragraph (b) of
583 subsection (1) and subsections (6) and (8) of section 316.302,
584 Florida Statutes, are amended to read:

585 316.302 Commercial motor vehicles; safety regulations;
586 transporters and shippers of hazardous materials; enforcement.--

587 (1)

588 (b) Except as otherwise provided in this section, all
 589 owners or drivers of commercial motor vehicles that are engaged
 590 in intrastate commerce are subject to the rules and regulations
 591 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
 592 exception of 49 C.F.R. s. 390.5 as it relates to the definition
 593 of bus, as such rules and regulations existed on October 1, 2008
 594 ~~2005~~.

595 (6) The state Department of Transportation shall perform
 596 the duties that are assigned to the Field Administrator, Federal
 597 Motor Carrier Safety Administration ~~Regional Federal Highway~~
 598 ~~Administrator~~ under the federal rules, and an agent of that
 599 department, as described in s. 316.545(9), may enforce those
 600 rules.

601 (8) For the purpose of enforcing this section, any law
 602 enforcement officer of the Department of Transportation or duly
 603 appointed agent who holds a current safety inspector
 604 certification from the Commercial Vehicle Safety Alliance may
 605 require the driver of any commercial vehicle operated on the
 606 highways of this state to stop and submit to an inspection of
 607 the vehicle or the driver's records. If the vehicle or driver is
 608 found to be operating in an unsafe condition, or if any required
 609 part or equipment is not present or is not in proper repair or
 610 adjustment, and the continued operation would present an unduly
 611 hazardous operating condition, the officer may require the
 612 vehicle or the driver to be removed from service pursuant to the
 613 North American Standard ~~Uniform~~ Out-of-Service Criteria, until
 614 corrected. However, if continuous operation would not present an
 615 unduly hazardous operating condition, the officer may give

616 written notice requiring correction of the condition within 14
617 days.

618 (a) Any member of the Florida Highway Patrol or any law
619 enforcement officer employed by a sheriff's office or municipal
620 police department authorized to enforce the traffic laws of this
621 state pursuant to s. 316.640 who has reason to believe that a
622 vehicle or driver is operating in an unsafe condition may, as
623 provided in subsection (10), enforce the provisions of this
624 section.

625 (b) Any person who fails to comply with an officer's
626 request to submit to an inspection under this subsection commits
627 a violation of s. 843.02 if the person resists the officer
628 without violence or a violation of s. 843.01 if the person
629 resists the officer with violence.

630 Section 9. Subsection (2) of section 316.613, Florida
631 Statutes, is amended to read:

632 316.613 Child restraint requirements.--

633 (2) As used in this section, the term "motor vehicle"
634 means a motor vehicle as defined in s. 316.003 which ~~that~~ is
635 operated on the roadways, streets, and highways of the state.
636 The term does not include:

637 (a) A school bus as defined in s. 316.003(45).

638 (b) A bus used for the transportation of persons for
639 compensation, other than a bus regularly used to transport
640 children to or from school, as defined in s. 316.615(1)(b), or
641 in conjunction with school activities.

642 (c) A farm tractor or implement of husbandry.

643 (d) A truck having a gross vehicle weight rating of more
 644 than 26,000 ~~of net weight of more than 5,000~~ pounds.

645 (e) A motorcycle, moped, or bicycle.

646 Section 10. Paragraph (a) of subsection (3) of section
 647 316.614, Florida Statutes, is amended to read:

648 316.614 Safety belt usage.--

649 (3) As used in this section:

650 (a) "Motor vehicle" means a motor vehicle as defined in s.
 651 316.003 which ~~that~~ is operated on the roadways, streets, and
 652 highways of this state. The term does not include:

653 1. A school bus.

654 2. A bus used for the transportation of persons for
 655 compensation.

656 3. A farm tractor or implement of husbandry.

657 4. A truck having a gross vehicle weight rating of more
 658 than 26,000 ~~of a net weight of more than 5,000~~ pounds.

659 5. A motorcycle, moped, or bicycle.

660 Section 11. Subsection (4) of section 320.0715, Florida
 661 Statutes, is amended to read:

662 320.0715 International Registration Plan; motor carrier
 663 services; permits; retention of records.--

664 (4) Each motor carrier registered under the International
 665 Registration Plan shall maintain and keep, for a period of 4
 666 years, pertinent records and papers as may be required by the
 667 department for the reasonable administration of this chapter.

668 (a) The department shall withhold the registration and
 669 license plate for a commercial motor vehicle unless the
 670 identifying number issued by the federal agency responsible for

671 motor carrier safety is provided for the motor carrier and the
 672 entity responsible for motor carrier safety for each motor
 673 vehicle as part of the application process.

674 (b) The department may not issue a commercial motor
 675 vehicle registration or license plate to, and may not transfer
 676 the commercial motor vehicle registration or license plate for,
 677 a motor carrier or vehicle owner who has been prohibited from
 678 operating by a federal or state agency responsible for motor
 679 carrier safety.

680 (c) The department, with notice, shall suspend any
 681 commercial motor vehicle registration and license plate issued
 682 to a motor carrier or vehicle owner who has been prohibited from
 683 operating by a federal or state agency responsible for motor
 684 carrier safety.

685 Section 12. Paragraph (a) of subsection (4) of section
 686 320.0894, Florida Statutes, is amended to read:

687 320.0894 Motor vehicle license plates to Gold Star family
 688 members.--The department shall develop a special license plate
 689 honoring the family members of servicemembers who have been
 690 killed while serving in the Armed Forces of the United States.
 691 The license plate shall be officially designated as the Gold
 692 Star license plate and shall be developed and issued as provided
 693 in this section.

694 (4) (a) 1. a. The Gold Star license plate shall be issued
 695 only to family members of a servicemember who resided in Florida
 696 at the time of the death of the servicemember.

697 b. Any family member, as defined in subparagraph 2., of a
 698 servicemember killed while serving may be issued a Gold Star

699 license plate upon payment of the license tax and appropriate
 700 fees as provided in paragraph (3)(a) without regard to the state
 701 of residence of the servicemember.

702 2. To qualify for issuance of a Gold Star license plate,
 703 the applicant must be directly related to a fallen servicemember
 704 as spouse, legal mother or father, or stepparent who is
 705 currently married to the mother or father of the fallen
 706 servicemember.

707 3. A servicemember is deemed to have been killed while in
 708 service as listed by the United States Department of Defense and
 709 may be verified from documentation directly from the Department
 710 of Defense or from its subordinate agencies, such as the Coast
 711 Guard, Reserve, or National Guard.

712 Section 13. Subsections (10), (23), and (29) of section
 713 322.01, Florida Statutes, are amended to read:

714 322.01 Definitions.--As used in this chapter:

715 (10) (a) "Conviction" means a conviction of an offense
 716 relating to the operation of motor vehicles on highways which is
 717 a violation of this chapter or any other such law of this state
 718 or any other state, including an admission or determination of a
 719 noncriminal traffic infraction pursuant to s. 318.14, or a
 720 judicial disposition of an offense committed under any federal
 721 law substantially conforming to the aforesaid state statutory
 722 provisions.

723 (b) Notwithstanding any other provisions of this chapter,
 724 the definition of "conviction" provided in 49 C.F.R. part 383.5
 725 applies to offenses committed in a commercial motor vehicle or
 726 by a person holding a commercial driver license.

727 (23) "Hazardous materials" means any material that has
 728 been designated as hazardous under 49 U.S.C. 5103 and is
 729 required to be placarded under subpart F of 49 C.F.R. part 172
 730 or any quantity of a material listed as a select agent or toxin
 731 in 42 C.F.R. part 73 ~~has the meaning such term has under s. 103~~
 732 ~~of the Hazardous Materials Transportation Act.~~

733 (29) "Out-of-service order" means a prohibition issued by
 734 an authorized local, state, or Federal Government official which
 735 precludes a person from driving a commercial motor vehicle ~~for a~~
 736 ~~period of 72 hours or less.~~

737 Section 14. Subsections (1) through (6) of section 322.61,
 738 Florida Statutes, are amended to read:

739 322.61 Disqualification from operating a commercial motor
 740 vehicle.--

741 (1) A person who, for offenses occurring within a 3-year
 742 period, is convicted of two of the following serious traffic
 743 violations or any combination thereof, arising in separate
 744 incidents committed in a commercial motor vehicle shall, in
 745 addition to any other applicable penalties, be disqualified from
 746 operating a commercial motor vehicle for a period of 60 days. A
 747 holder of a commercial driver's license ~~person~~ who, for offenses
 748 occurring within a 3-year period, is convicted of two of the
 749 following serious traffic violations, or any combination
 750 thereof, arising in separate incidents committed in a
 751 noncommercial motor vehicle shall, in addition to any other
 752 applicable penalties, be disqualified from operating a
 753 commercial motor vehicle for a period of 60 days if such

754 convictions result in the suspension, revocation, or
755 cancellation of the licenseholder's driving privilege:

756 (a) A violation of any state or local law relating to
757 motor vehicle traffic control, other than a parking violation, a
758 weight violation, or a vehicle equipment violation, arising in
759 connection with a crash resulting in death or personal injury to
760 any person;

761 (b) Reckless driving, as defined in s. 316.192;

762 (c) Careless driving, as defined in s. 316.1925;

763 (d) Fleeing or attempting to elude a law enforcement
764 officer, as defined in s. 316.1935;

765 (e) Unlawful speed of 15 miles per hour or more above the
766 posted speed limit;

767 (f) Driving a commercial motor vehicle, owned by such
768 person, which is not properly insured;

769 (g) Improper lane change, as defined in s. 316.085;

770 (h) Following too closely, as defined in s. 316.0895;

771 (i) Driving a commercial vehicle without obtaining a
772 commercial driver's license;

773 (j) Driving a commercial vehicle without the proper class
774 of commercial driver's license or without the proper
775 endorsement; or

776 (k) Driving a commercial vehicle without a commercial
777 driver's license in possession, as required by s. 322.03. Any
778 individual who provides proof to the clerk of the court or
779 designated official in the jurisdiction where the citation was
780 issued, by the date the individual must appear in court or pay
781 any fine for such a violation, that the individual held a valid

782 commercial driver's license on the date the citation was issued
 783 is not guilty of this offense.

784 (2) (a) Any person who, for offenses occurring within a 3-
 785 year period, is convicted of three serious traffic violations
 786 specified in subsection (1) or any combination thereof, arising
 787 in separate incidents committed in a commercial motor vehicle
 788 shall, in addition to any other applicable penalties, including
 789 but not limited to the penalty provided in subsection (1), be
 790 disqualified from operating a commercial motor vehicle for a
 791 period of 120 days.

792 (b) A holder of a commercial driver's license ~~person~~ who,
 793 for offenses occurring within a 3-year period, is convicted of
 794 three serious traffic violations specified in subsection (1) or
 795 any combination thereof arising in separate incidents committed
 796 in a noncommercial motor vehicle shall, in addition to any other
 797 applicable penalties, including, but not limited to, the penalty
 798 provided in subsection (1), be disqualified from operating a
 799 commercial motor vehicle for a period of 120 days if such
 800 convictions result in the suspension, revocation, or
 801 cancellation of the licenseholder's driving privilege.

802 (3) Except as provided in subsection (4), any person who
 803 is convicted of one of the following offenses while operating a
 804 commercial motor vehicle or any holder of a commercial driver's
 805 license who is convicted of one of the following offenses while
 806 operating a noncommercial motor vehicle shall, in addition to
 807 any other applicable penalties, be disqualified from operating a
 808 commercial motor vehicle for a period of 1 year:

809 (a) Driving a ~~commercial~~ motor vehicle while he or she is

810 | under the influence of alcohol or a controlled substance;
 811 | (b) Driving a commercial motor vehicle while the alcohol
 812 | concentration of his or her blood, breath, or urine is .04
 813 | percent or higher;
 814 | (c) Leaving the scene of a crash involving a ~~commercial~~
 815 | motor vehicle driven by such person;
 816 | (d) Using a ~~commercial~~ motor vehicle in the commission of
 817 | a felony;
 818 | (e) Driving a commercial motor vehicle while in possession
 819 | of a controlled substance;
 820 | (f) Refusing to submit to a test to determine his or her
 821 | alcohol concentration while driving a ~~commercial~~ motor vehicle;
 822 | (g) Driving a commercial vehicle while the licenseholder's
 823 | commercial driver's license is suspended, revoked, or canceled
 824 | or while the licenseholder is disqualified from driving a
 825 | commercial vehicle; or
 826 | (h) Causing a fatality through the negligent operation of
 827 | a commercial motor vehicle.
 828 | (4) Any person who is transporting hazardous materials as
 829 | defined in s. 322.01(23) ~~in a vehicle that is required to be~~
 830 | ~~placarded in accordance with Title 49 C.F.R. part 172, subpart F~~
 831 | shall, upon conviction of an offense specified in subsection
 832 | (3), be disqualified from operating a commercial motor vehicle
 833 | for a period of 3 years. The penalty provided in this subsection
 834 | shall be in addition to any other applicable penalty.
 835 | (5) Any person who is convicted of two violations
 836 | specified in subsection (3) which were committed while operating
 837 | a commercial motor vehicle, or any combination thereof, arising

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838 in separate incidents shall be permanently disqualified from
839 operating a commercial motor vehicle. Any holder of a commercial
840 driver's license who is convicted of two violations specified in
841 subsection (3) which were committed while operating a
842 noncommercial motor vehicle, or any combination thereof, arising
843 in separate incidents shall be permanently disqualified from
844 operating a commercial motor vehicle. The penalty provided in
845 this subsection ~~is shall be~~ in addition to any other applicable
846 penalty.

847 (6) Notwithstanding subsections (3), (4), and (5), any
848 person who uses a commercial motor vehicle in the commission of
849 any felony involving the manufacture, distribution, or
850 dispensing of a controlled substance, including possession with
851 intent to manufacture, distribute, or dispense a controlled
852 substance, shall, upon conviction of such felony, be permanently
853 disqualified from operating a commercial motor vehicle.

854 Notwithstanding subsections (3), (4), and (5), any holder of a
855 commercial driver's license who uses a noncommercial motor
856 vehicle in the commission of any felony involving the
857 manufacture, distribution, or dispensing of a controlled
858 substance, including possession with intent to manufacture,
859 distribute, or dispense a controlled substance, shall, upon
860 conviction of such felony, be permanently disqualified from
861 operating a commercial motor vehicle. The penalty provided in
862 this subsection ~~is shall be~~ in addition to any other applicable
863 penalty.

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864 Section 15. Subsections (1), (2), (4), (6), (7), (8), (9),
865 and (10) of section 322.64, Florida Statutes, is amended to
866 read:

867 322.64 Holder of commercial driver's license; persons
868 operating a commercial motor vehicle; driving with unlawful
869 blood-alcohol level; refusal to submit to breath, urine, or
870 blood test.--

871 (1)(a) A law enforcement officer or correctional officer
872 shall, on behalf of the department, disqualify from operating
873 any commercial motor vehicle a person who while operating or in
874 actual physical control of a commercial motor vehicle is
875 arrested for a violation of s. 316.193, relating to unlawful
876 blood-alcohol level or breath-alcohol level, or a person who has
877 refused to submit to a breath, urine, or blood test authorized
878 by s. 322.63 arising out of the operation or actual physical
879 control of a commercial motor vehicle. A law enforcement officer
880 or correctional officer shall, on behalf of the department,
881 disqualify the holder of a commercial driver's license from
882 operating any commercial motor vehicle if the licenseholder,
883 while operating or in actual physical control of a motor
884 vehicle, is arrested for a violation of s. 316.193, relating to
885 unlawful blood-alcohol level or breath-alcohol level, or refused
886 to submit to a breath, urine, or blood test authorized by s.
887 322.63. Upon disqualification of the person, the officer shall
888 take the person's driver's license and issue the person a 10-day
889 temporary permit for the operation of noncommercial vehicles
890 only if the person is otherwise eligible for the driving
891 privilege and shall issue the person a notice of

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892 disqualification. If the person has been given a blood, breath,
893 or urine test, the results of which are not available to the
894 officer at the time of the arrest, the agency employing the
895 officer shall transmit such results to the department within 5
896 days after receipt of the results. If the department then
897 determines that the person ~~was arrested for a violation of s.~~
898 ~~316.193 and that the person~~ had a blood-alcohol level or breath-
899 alcohol level of 0.08 or higher, the department shall disqualify
900 the person from operating a commercial motor vehicle pursuant to
901 subsection (3).

902 (b) The disqualification under paragraph (a) shall be
903 pursuant to, and the notice of disqualification shall inform the
904 driver of, the following:

905 1.a. The driver refused to submit to a lawful breath,
906 blood, or urine test and he or she is disqualified from
907 operating a commercial motor vehicle for a period of 1 year, for
908 a first refusal, or permanently, if he or she has previously
909 been disqualified as a result of a refusal to submit to such a
910 test; or

911 b. The driver was driving or in actual physical control of
912 a commercial motor vehicle, or any motor vehicle if the driver
913 holds a commercial driver's license, had an unlawful blood-
914 alcohol level or breath-alcohol level of 0.08 or higher, and his
915 or her driving privilege shall be disqualified for a period of 6
916 months for a first offense or for a period of 1 year if his or
917 her driving privilege has been previously disqualified under
918 this section ~~violated s. 316.193 by driving with an unlawful~~
919 ~~blood alcohol level and he or she is disqualified from operating~~

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920 ~~a commercial motor vehicle for a period of 6 months for a first~~
921 ~~offense or for a period of 1 year if he or she has previously~~
922 ~~been disqualified, or his or her driving privilege has been~~
923 ~~previously suspended, for a violation of s. 316.193.~~

924 2. The disqualification period for operating commercial
925 vehicles shall commence on the date of ~~arrest or~~ issuance of the
926 notice of disqualification, ~~whichever is later.~~

927 3. The driver may request a formal or informal review of
928 the disqualification by the department within 10 days after the
929 date of ~~arrest or~~ issuance of the notice of disqualification,
930 ~~whichever is later.~~

931 4. The temporary permit issued at the time of ~~arrest or~~
932 disqualification expires ~~will expire~~ at midnight of the 10th day
933 following the date of disqualification.

934 5. The driver may submit to the department any materials
935 relevant to the disqualification ~~arrest.~~

936 (2) Except as provided in paragraph (1)(a), the law
937 enforcement officer shall forward to the department, within 5
938 days after the date of the ~~arrest or the~~ issuance of the notice
939 of disqualification, ~~whichever is later,~~ a copy of the notice of
940 disqualification, the driver's license of the person
941 disqualified ~~arrested,~~ and a ~~report of the arrest, including, if~~
942 ~~applicable,~~ an affidavit stating the officer's grounds for
943 belief that the person disqualified ~~arrested~~ was operating or in
944 actual physical control of a commercial motor vehicle, or holds
945 a commercial driver's license, and had an unlawful blood-alcohol
946 or breath-alcohol level ~~in violation of s. 316.193;~~ the results
947 of any breath or blood or urine test or an affidavit stating

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948 that a breath, blood, or urine test was requested by a law
949 enforcement officer or correctional officer and that the person
950 arrested refused to submit; a copy of the notice of
951 disqualification ~~citation~~ issued to the person ~~arrested~~; and the
952 officer's description of the person's field sobriety test, if
953 any. The failure of the officer to submit materials within the
954 5-day period specified in this subsection or subsection (1) does
955 ~~shall~~ not affect the department's ability to consider any
956 evidence submitted at or prior to the hearing. The officer may
957 also submit a copy of a videotape of the field sobriety test or
958 the attempt to administer such test and a copy of the crash
959 report, if any.

960 (4) If the person disqualified ~~arrested~~ requests an
961 informal review pursuant to subparagraph (1)(b)3., the
962 department shall conduct the informal review by a hearing
963 officer employed by the department. Such informal review hearing
964 shall consist solely of an examination by the department of the
965 materials submitted by a law enforcement officer or correctional
966 officer and by the person disqualified ~~arrested~~, and the
967 presence of an officer or witness is not required.

968 (6) (a) If the person disqualified ~~arrested~~ requests a
969 formal review, the department must schedule a hearing to be held
970 within 30 days after such request is received by the department
971 and must notify the person of the date, time, and place of the
972 hearing.

973 (b) Such formal review hearing shall be held before a
974 hearing officer employed by the department, and the hearing
975 officer shall be authorized to administer oaths, examine

976 witnesses and take testimony, receive relevant evidence, issue
977 subpoenas for the officers and witnesses identified in documents
978 as provided in subsection (2), regulate the course and conduct
979 of the hearing, and make a ruling on the disqualification. The
980 department and the person disqualified ~~arrested~~ may subpoena
981 witnesses, and the party requesting the presence of a witness
982 shall be responsible for the payment of any witness fees. If the
983 person who requests a formal review hearing fails to appear and
984 the hearing officer finds such failure to be without just cause,
985 the right to a formal hearing is waived ~~and the department shall~~
986 ~~conduct an informal review of the disqualification under~~
987 ~~subsection (4)~~.

988 (c) A party may seek enforcement of a subpoena under
989 paragraph (b) by filing a petition for enforcement in the
990 circuit court of the judicial circuit in which the person
991 failing to comply with the subpoena resides. A failure to comply
992 with an order of the court shall result in a finding of contempt
993 of court. However, a person shall not be in contempt while a
994 subpoena is being challenged.

995 (d) The department must, within 7 days after a formal
996 review hearing, send notice to the person of the hearing
997 officer's decision as to whether sufficient cause exists to
998 sustain, amend, or invalidate the disqualification.

999 (7) In a formal review hearing under subsection (6) or an
1000 informal review hearing under subsection (4), the hearing
1001 officer shall determine by a preponderance of the evidence
1002 whether sufficient cause exists to sustain, amend, or invalidate

1003 the disqualification. The scope of the review shall be limited
 1004 to the following issues:

1005 (a) If the person was disqualified from operating a
 1006 commercial motor vehicle for driving with an unlawful blood-
 1007 alcohol level ~~in violation of s. 316.193~~:

1008 1. Whether the arresting law enforcement officer had
 1009 probable cause to believe that the person was driving or in
 1010 actual physical control of a commercial motor vehicle, or any
 1011 motor vehicle if the driver holds a commercial driver's license,
 1012 in this state while he or she had any alcohol, chemical
 1013 substances, or controlled substances in his or her body.

1014 ~~2. Whether the person was placed under lawful arrest for a~~
 1015 ~~violation of s. 316.193.~~

1016 ~~2.3.~~ Whether the person had an unlawful blood-alcohol
 1017 level or breath-alcohol level of 0.08 or higher ~~as provided in~~
 1018 ~~s. 316.193.~~

1019 (b) If the person was disqualified from operating a
 1020 commercial motor vehicle for refusal to submit to a breath,
 1021 blood, or urine test:

1022 1. Whether the law enforcement officer had probable cause
 1023 to believe that the person was driving or in actual physical
 1024 control of a commercial motor vehicle, or any motor vehicle if
 1025 the driver holds a commercial driver's license, in this state
 1026 while he or she had any alcohol, chemical substances, or
 1027 controlled substances in his or her body.

1028 2. Whether the person refused to submit to the test after
 1029 being requested to do so by a law enforcement officer or
 1030 correctional officer.

1031 3. Whether the person was told that if he or she refused
 1032 to submit to such test he or she would be disqualified from
 1033 operating a commercial motor vehicle for a period of 1 year or,
 1034 in the case of a second refusal, permanently.

1035 (8) Based on the determination of the hearing officer
 1036 pursuant to subsection (7) for both informal hearings under
 1037 subsection (4) and formal hearings under subsection (6), the
 1038 department shall:

1039 (a) Sustain the disqualification for a period of 1 year
 1040 for a first refusal, or permanently if such person has been
 1041 previously disqualified from operating a commercial motor
 1042 vehicle as a result of a refusal to submit to such tests. The
 1043 disqualification period commences on the date of the arrest or
 1044 issuance of the notice of disqualification, whichever is later.

1045 (b) Sustain the disqualification:

1046 1. For a period of 6 months if the person was driving or
 1047 in actual physical control of a commercial motor vehicle, or any
 1048 motor vehicle if the driver holds a commercial driver's license,
 1049 and had an unlawful blood-alcohol level or breath-alcohol level
 1050 of 0.08 or higher; ~~for a violation of s. 316.193~~ or

1051 2. For a period of 1 year if the person has been
 1052 previously disqualified from operating a commercial motor
 1053 vehicle or his or her driving privilege has been previously
 1054 suspended for driving or being in actual physical control of a
 1055 commercial motor vehicle, or any motor vehicle if the driver
 1056 holds a commercial driver's license, and had an unlawful blood-
 1057 alcohol level or breath-alcohol level of 0.08 or higher ~~as a~~
 1058 result of a violation of s. 316.193.

1059
 1060 The disqualification period commences on the date of the arrest
 1061 or issuance of the notice of disqualification, ~~whichever is~~
 1062 ~~later.~~

1063 (9) A request for a formal review hearing or an informal
 1064 review hearing shall not stay the disqualification. If the
 1065 department fails to schedule the formal review hearing to be
 1066 held within 30 days after receipt of the request therefor, the
 1067 department shall invalidate the disqualification. If the
 1068 scheduled hearing is continued at the department's initiative,
 1069 the department shall issue a temporary driving permit limited to
 1070 noncommercial vehicles which is ~~shall be~~ valid until the hearing
 1071 is conducted if the person is otherwise eligible for the driving
 1072 privilege. Such permit shall not be issued to a person who
 1073 sought and obtained a continuance of the hearing. The permit
 1074 issued under this subsection shall authorize driving for
 1075 business purposes ~~or employment use~~ only.

1076 (10) A person who is disqualified from operating a
 1077 commercial motor vehicle under subsection (1) or subsection (3)
 1078 is eligible for issuance of a license for business or employment
 1079 purposes only under s. 322.271 if the person is otherwise
 1080 eligible for the driving privilege. ~~However, such business or~~
 1081 ~~employment purposes license shall not authorize the driver to~~
 1082 ~~operate a commercial motor vehicle.~~

1083 Section 16. Paragraph (b) of subsection (1) of section
 1084 338.223, Florida Statutes, is amended to read:

1085 338.223 Proposed turnpike projects.--

1086 (1)

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1087 (b) Any proposed turnpike project or improvement shall be
 1088 developed in accordance with the Florida Transportation Plan and
 1089 the work program pursuant to s. 339.135. Turnpike projects that
 1090 add capacity, alter access, affect feeder roads, or affect the
 1091 operation of the local transportation system shall be included
 1092 in the transportation improvement plan of the affected
 1093 metropolitan planning organization. If such turnpike project
 1094 does not fall within the jurisdiction of a metropolitan planning
 1095 organization, the department shall notify the affected county
 1096 and provide for public hearings in accordance with s.
 1097 339.155(5) ~~(6)~~ (c).

1098 Section 17. Section 339.155, Florida Statutes, is amended
 1099 to read:

1100 339.155 Transportation planning.--

1101 (1) THE FLORIDA TRANSPORTATION PLAN.--The department shall
 1102 develop ~~and annually update~~ a statewide transportation plan, to
 1103 be known as the Florida Transportation Plan. The plan shall be
 1104 designed so as to be easily read and understood by the general
 1105 public. The purpose of the Florida Transportation Plan is to
 1106 establish and define the state's long-range transportation goals
 1107 and objectives to be accomplished over a period of at least 20
 1108 years within the context of the State Comprehensive Plan, and
 1109 any other statutory mandates and authorizations and based upon
 1110 the prevailing principles of: preserving the existing
 1111 transportation infrastructure; enhancing Florida's economic
 1112 competitiveness; and improving travel choices to ensure
 1113 mobility. The Florida Transportation Plan shall consider the
 1114 needs of the entire state transportation system and examine the

1115 use of all modes of transportation to effectively and
 1116 efficiently meet such needs.

1117 (2) SCOPE OF PLANNING PROCESS.--The department shall carry
 1118 out a transportation planning process in conformance with s.
 1119 334.046(1) and 23 U.S.C. s. 135, as amended from time to time.
 1120 ~~which provides for consideration of projects and strategies that~~
 1121 ~~will:~~

1122 ~~(a) Support the economic vitality of the United States,~~
 1123 ~~Florida, and the metropolitan areas, especially by enabling~~
 1124 ~~global competitiveness, productivity, and efficiency;~~

1125 ~~(b) Increase the safety and security of the transportation~~
 1126 ~~system for motorized and nonmotorized users;~~

1127 ~~(c) Increase the accessibility and mobility options~~
 1128 ~~available to people and for freight;~~

1129 ~~(d) Protect and enhance the environment, promote energy~~
 1130 ~~conservation, and improve quality of life;~~

1131 ~~(e) Enhance the integration and connectivity of the~~
 1132 ~~transportation system, across and between modes throughout~~
 1133 ~~Florida, for people and freight;~~

1134 ~~(f) Promote efficient system management and operation; and~~

1135 ~~(g) Emphasize the preservation of the existing~~
 1136 ~~transportation system.~~

1137 (3) FORMAT, SCHEDULE, AND REVIEW.--The Florida
 1138 Transportation Plan shall be a unified, concise planning
 1139 document that clearly defines the state's long-range
 1140 transportation goals and objectives ~~and documents the~~
 1141 ~~department's short-range objectives developed to further such~~
 1142 ~~goals and objectives.~~ The plan shall:

1143 (a) Include a glossary that clearly and succinctly defines
 1144 any and all phrases, words, or terms of art included in the
 1145 plan, with which the general public may be unfamiliar. ~~and shall~~
 1146 ~~consist of, at a minimum, the following components:~~

1147 (b)-(a) Document ~~A long range component~~ documenting the
 1148 goals and long-term objectives necessary to implement the
 1149 results of the department's findings from its examination of the
 1150 criteria listed in subsection (2) and s. 334.046(1).

1151 (c) ~~The long range component must~~ Be developed in
 1152 cooperation with the metropolitan planning organizations and
 1153 reconciled, to the maximum extent feasible, with the long-range
 1154 plans developed by metropolitan planning organizations pursuant
 1155 to s. 339.175.

1156 (d) ~~The plan must also~~ Be developed in consultation with
 1157 affected local officials in nonmetropolitan areas and with any
 1158 affected Indian tribal governments.

1159 (e) ~~The plan must~~ Provide an examination of transportation
 1160 issues likely to arise during at least a 20-year period.

1161 (f) ~~The long range component shall~~ Be updated at least
 1162 once every 5 years, or more often as necessary, to reflect
 1163 substantive changes to federal or state law.

1164 ~~(b) A short range component documenting the short term~~
 1165 ~~objectives and strategies necessary to implement the goals and~~
 1166 ~~long term objectives contained in the long range component. The~~
 1167 ~~short range component must define the relationship between the~~
 1168 ~~long range goals and the short range objectives, specify those~~
 1169 ~~objectives against which the department's achievement of such~~
 1170 ~~goals will be measured, and identify transportation strategies~~

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1171 ~~necessary to efficiently achieve the goals and objectives in the~~
1172 ~~plan. It must provide a policy framework within which the~~
1173 ~~department's legislative budget request, the strategic~~
1174 ~~information resource management plan, and the work program are~~
1175 ~~developed. The short range component shall serve as the~~
1176 ~~department's annual agency strategic plan pursuant to s.~~
1177 ~~186.021. The short range component shall be developed consistent~~
1178 ~~with available and forecasted state and federal funds. The~~
1179 ~~short range component shall also be submitted to the Florida~~
1180 ~~Transportation Commission.~~

1181 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall~~
1182 ~~develop an annual performance report evaluating the operation of~~
1183 ~~the department for the preceding fiscal year. The report shall~~
1184 ~~also include a summary of the financial operations of the~~
1185 ~~department and shall annually evaluate how well the adopted work~~
1186 ~~program meets the short term objectives contained in the short-~~
1187 ~~range component of the Florida Transportation Plan. This~~
1188 ~~performance report shall be submitted to the Florida~~
1189 ~~Transportation Commission and the legislative appropriations and~~
1190 ~~transportation committees.~~

1191 ~~(4) (5) ADDITIONAL TRANSPORTATION PLANS.--~~

1192 (a) Upon request by local governmental entities, the
1193 department may in its discretion develop and design
1194 transportation corridors, arterial and collector streets,
1195 vehicular parking areas, and other support facilities which are
1196 consistent with the plans of the department for major
1197 transportation facilities. The department may render to local
1198 governmental entities or their planning agencies such technical

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1199 assistance and services as are necessary so that local plans and
1200 facilities are coordinated with the plans and facilities of the
1201 department.

1202 (b) Each regional planning council, as provided for in s.
1203 186.504, or any successor agency thereto, shall develop, as an
1204 element of its strategic regional policy plan, transportation
1205 goals and policies. The transportation goals and policies must
1206 be prioritized to comply with the prevailing principles provided
1207 in subsection (2) and s. 334.046(1). The transportation goals
1208 and policies shall be consistent, to the maximum extent
1209 feasible, with the goals and policies of the metropolitan
1210 planning organization and the Florida Transportation Plan. The
1211 transportation goals and policies of the regional planning
1212 council will be advisory only and shall be submitted to the
1213 department and any affected metropolitan planning organization
1214 for their consideration and comments. Metropolitan planning
1215 organization plans and other local transportation plans shall be
1216 developed consistent, to the maximum extent feasible, with the
1217 regional transportation goals and policies. The regional
1218 planning council shall review urbanized area transportation
1219 plans and any other planning products stipulated in s. 339.175
1220 and provide the department and respective metropolitan planning
1221 organizations with written recommendations which the department
1222 and the metropolitan planning organizations shall take under
1223 advisement. Further, the regional planning councils shall
1224 directly assist local governments which are not part of a
1225 metropolitan area transportation planning process in the
1226 development of the transportation element of their comprehensive

1227 plans as required by s. 163.3177.

1228 (c) Regional transportation plans may be developed in
 1229 regional transportation areas in accordance with an interlocal
 1230 agreement entered into pursuant to s. 163.01 by two or more
 1231 contiguous metropolitan planning organizations; one or more
 1232 metropolitan planning organizations and one or more contiguous
 1233 counties, none of which is a member of a metropolitan planning
 1234 organization; a multicounty regional transportation authority
 1235 created by or pursuant to law; two or more contiguous counties
 1236 that are not members of a metropolitan planning organization; or
 1237 metropolitan planning organizations comprised of three or more
 1238 counties.

1239 (d) The interlocal agreement must, at a minimum, identify
 1240 the entity that will coordinate the development of the regional
 1241 transportation plan; delineate the boundaries of the regional
 1242 transportation area; provide the duration of the agreement and
 1243 specify how the agreement may be terminated, modified, or
 1244 rescinded; describe the process by which the regional
 1245 transportation plan will be developed; and provide how members
 1246 of the entity will resolve disagreements regarding
 1247 interpretation of the interlocal agreement or disputes relating
 1248 to the development or content of the regional transportation
 1249 plan. Such interlocal agreement shall become effective upon its
 1250 recordation in the official public records of each county in the
 1251 regional transportation area.

1252 (e) The regional transportation plan developed pursuant to
 1253 this section must, at a minimum, identify regionally significant
 1254 transportation facilities located within a regional

1255 transportation area and contain a prioritized list of regionally
 1256 significant projects. The level-of-service standards for
 1257 facilities to be funded under this subsection shall be adopted
 1258 by the appropriate local government in accordance with s.
 1259 163.3180(10). The projects shall be adopted into the capital
 1260 improvements schedule of the local government comprehensive plan
 1261 pursuant to s. 163.3177(3).

1262 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
 1263 TRANSPORTATION PLANNING.--

1264 (a) During the development of ~~the long range component of~~
 1265 the Florida Transportation Plan and prior to substantive
 1266 revisions, the department shall provide citizens, affected
 1267 public agencies, representatives of transportation agency
 1268 employees, other affected employee representatives, private
 1269 providers of transportation, and other known interested parties
 1270 with an opportunity to comment on the proposed plan or
 1271 revisions. These opportunities shall include, at a minimum,
 1272 publishing a notice in the Florida Administrative Weekly and
 1273 within a newspaper of general circulation within the area of
 1274 each department district office.

1275 (b) During development of major transportation
 1276 improvements, such as those increasing the capacity of a
 1277 facility through the addition of new lanes or providing new
 1278 access to a limited or controlled access facility or
 1279 construction of a facility in a new location, the department
 1280 shall hold one or more hearings prior to the selection of the
 1281 facility to be provided; prior to the selection of the site or
 1282 corridor of the proposed facility; and prior to the selection of

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1283 and commitment to a specific design proposal for the proposed
1284 facility. Such public hearings shall be conducted so as to
1285 provide an opportunity for effective participation by interested
1286 persons in the process of transportation planning and site and
1287 route selection and in the specific location and design of
1288 transportation facilities. The various factors involved in the
1289 decision or decisions and any alternative proposals shall be
1290 clearly presented so that the persons attending the hearing may
1291 present their views relating to the decision or decisions which
1292 will be made.

1293 (c) Opportunity for design hearings:

1294 1. The department, prior to holding a design hearing,
1295 shall duly notify all affected property owners of record, as
1296 recorded in the property appraiser's office, by mail at least 20
1297 days prior to the date set for the hearing. The affected
1298 property owners shall be:

1299 a. Those whose property lies in whole or in part within
1300 300 feet on either side of the centerline of the proposed
1301 facility.

1302 b. Those whom the department determines will be
1303 substantially affected environmentally, economically, socially,
1304 or safetywise.

1305 2. For each subsequent hearing, the department shall
1306 publish notice prior to the hearing date in a newspaper of
1307 general circulation for the area affected. These notices must be
1308 published twice, with the first notice appearing at least 15
1309 days, but no later than 30 days, before the hearing.

1310 3. A copy of the notice of opportunity for the hearing

1311 must be furnished to the United States Department of
 1312 Transportation and to the appropriate departments of the state
 1313 government at the time of publication.

1314 4. The opportunity for another hearing shall be afforded
 1315 in any case when proposed locations or designs are so changed
 1316 from those presented in the notices specified above or at a
 1317 hearing as to have a substantially different social, economic,
 1318 or environmental effect.

1319 5. The opportunity for a hearing shall be afforded in each
 1320 case in which the department is in doubt as to whether a hearing
 1321 is required.

1322 Section 18. Subsections (1) and (3) of section 339.2819,
 1323 Florida Statutes, are amended to read:

1324 339.2819 Transportation Regional Incentive Program.--

1325 (1) There is created within the Department of
 1326 Transportation a Transportation Regional Incentive Program for
 1327 the purpose of providing funds to improve regionally significant
 1328 transportation facilities in regional transportation areas
 1329 created pursuant to s. 339.155 (4) ~~(5)~~.

1330 (3) The department shall allocate funding available for
 1331 the Transportation Regional Incentive Program to the districts
 1332 based on a factor derived from equal parts of population and
 1333 motor fuel collections for eligible counties in regional
 1334 transportation areas created pursuant to s. 339.155 (4) ~~(5)~~.

1335 Section 19. Subsection (6) of section 339.285, Florida
 1336 Statutes, is amended to read:

1337 339.285 Enhanced Bridge Program for Sustainable
 1338 Transportation.--

1339 (6) Preference shall be given to bridge projects located
 1340 on corridors that connect to the Strategic Intermodal System,
 1341 created under s. 339.64, and that have been identified as
 1342 regionally significant in accordance with s. 339.155 (4) ~~(5)~~ (c),
 1343 (d), and (e).

1344 Section 20. Paragraph (h) of subsection (2), subsections
 1345 (5) and (6), and paragraph (a) of subsection (7) of section
 1346 420.9076, Florida Statutes, are amended to read:

1347 420.9076 Adoption of affordable housing incentive
 1348 strategies; committees.--

1349 (2) The governing board of a county or municipality shall
 1350 appoint the members of the affordable housing advisory committee
 1351 by resolution. Pursuant to the terms of any interlocal
 1352 agreement, a county and municipality may create and jointly
 1353 appoint an advisory committee to prepare a joint plan. The
 1354 ordinance adopted pursuant to s. 420.9072 which creates the
 1355 advisory committee or the resolution appointing the advisory
 1356 committee members must provide for 11 committee members and
 1357 their terms. The committee must include:

1358 (h) One citizen who actively serves on the local planning
 1359 agency pursuant to s. 163.3174. When the local planning agency
 1360 is comprised of the governing board of the county or
 1361 municipality, the governing board may appoint a designee who is
 1362 knowledgeable in the local planning process.

1363
 1364 If a county or eligible municipality whether due to its small
 1365 size, the presence of a conflict of interest by prospective
 1366 appointees, or other reasonable factor, is unable to appoint a

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1367 citizen actively engaged in these activities in connection with
1368 affordable housing, a citizen engaged in the activity without
1369 regard to affordable housing may be appointed. Local governments
1370 that receive the minimum allocation under the State Housing
1371 Initiatives Partnership Program may elect to appoint an
1372 affordable housing advisory committee with fewer than 11
1373 representatives if they are unable to find representatives who
1374 meet the criteria of paragraphs (a)-(k).

1375 (5) The approval by the advisory committee of its local
1376 housing incentive strategies recommendations and its review of
1377 local government implementation of previously recommended
1378 strategies must be made by affirmative vote of a majority of the
1379 membership of the advisory committee taken at a public hearing.
1380 Notice of the time, date, and place of the public hearing of the
1381 advisory committee to adopt its evaluation and final local
1382 housing incentive strategies recommendations must be published
1383 in a newspaper of general paid circulation in the county. The
1384 notice must contain a short and concise summary of the
1385 evaluation and local housing incentives strategies
1386 recommendations to be considered by the advisory committee. The
1387 notice must state the public place where a copy of the tentative
1388 advisory committee recommendations can be obtained by interested
1389 persons. The final report, evaluation, and recommendations shall
1390 be submitted to the corporation.

1391 (6) Within 90 days after the date of receipt of the
1392 evaluation and local housing incentive strategies
1393 recommendations from the advisory committee, the governing body
1394 of the appointing local government shall adopt an amendment to

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1395 its local housing assistance plan to incorporate the local
1396 housing incentive strategies it will implement within its
1397 jurisdiction. The amendment must include, at a minimum, the
1398 local housing incentive strategies required under s.
1399 420.9071(16). The local government must consider the strategies
1400 specified in paragraphs (4)(a)-(k) as recommended by the
1401 advisory committee.

1402 (7) The governing board of the county or the eligible
1403 municipality shall notify the corporation by certified mail of
1404 its adoption of an amendment of its local housing assistance
1405 plan to incorporate local housing incentive strategies. The
1406 notice must include a copy of the approved amended plan.

1407 (a) If the corporation fails to receive timely the
1408 approved amended local housing assistance plan to incorporate
1409 local housing incentive strategies, a notice of termination of
1410 its share of the local housing distribution shall be sent by
1411 certified mail by the corporation to the affected county or
1412 eligible municipality. The notice of termination must specify a
1413 date of termination of the funding if the affected county or
1414 eligible municipality has not adopted an amended local housing
1415 assistance plan to incorporate local housing incentive
1416 strategies. If the county or the eligible municipality has not
1417 adopted an amended local housing assistance plan to incorporate
1418 local housing incentive strategies by the termination date
1419 specified in the notice of termination, the local distribution
1420 share terminates; and any uncommitted local distribution funds
1421 held by the affected county or eligible municipality in its
1422 local housing assistance trust fund shall be transferred to the

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1423 Local Government Housing Trust Fund to the credit of the
1424 corporation to administer the local government housing program
1425 ~~pursuant to s. 420.9078.~~

1426 Section 21. Section 420.9078, Florida Statutes, is
1427 repealed.

1428 Section 22. The Florida Transportation Revenue Study
1429 Commission.--

1430 (1) FINDINGS AND INTENT.--The Legislature finds and
1431 declares that the costs of preserving investments in
1432 transportation infrastructure and eliminating or reducing
1433 congestion in the movement of people and goods is expected to
1434 increase dramatically with commensurate impacts to the state's
1435 economy, environment, and quality of life.

1436 (2) POWERS AND DUTIES.--The Florida Transportation Revenue
1437 Study Commission is hereby created to study state, regional, and
1438 local transportation needs within the state and to develop
1439 recommendations that are intended to address those needs. The
1440 commission shall submit a written report to the Legislature that
1441 contains its findings and recommendations by January 1, 2010.
1442 The report presented by the commission shall, at a minimum,
1443 include findings and recommendations regarding:

1444 (a) Stability of existing transportation revenue sources,
1445 taking into account energy efficient vehicles, emerging
1446 technologies, alternative fuels, and other state and federal
1447 initiatives.

1448 (b) Funding needs of state, regional, and local
1449 transportation facilities and the ability to address those needs
1450 in light of the state's investment policy used to support the

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1451 strategic intermodal system.

1452 (c) Suggested changes to existing state and local
1453 government transportation funding programs that are currently
1454 available.

1455 (d) New and innovative transportation funding options that
1456 can be used by the state and local governments to address
1457 transportation needs.

1458 (e) Equitable distribution of transportation revenues.

1459 (3) MEMBERSHIP.--

1460 (a) The commission shall consist of 13 members as follows:

1461 1. Three members shall be appointed by the Governor.

1462 2. Three members shall be appointed by the President of
1463 the Senate.

1464 3. Three members shall be appointed by the Speaker of the
1465 House of Representatives.

1466 4. One member shall be the secretary of Florida Department
1467 of Transportation or the secretary's designee.

1468 5. One member shall be appointed by the Metropolitan
1469 Planning Organization Advisory Council.

1470 6. One member shall be appointed from among its members by
1471 the Florida Association of Counties, Inc.

1472 7. One member shall be appointed from among its members by
1473 the Florida League of Cities, Inc.

1474 (b) The membership must represent transportation
1475 organizations, local governments, developers and homebuilders,
1476 the business community, the environmental community, and other
1477 appropriate transportation system stakeholders. One member shall
1478 be designated by the Governor as chair of the commission.

1479 Members shall serve appointments commensurate with the duration
 1480 of the existence of the commission until the adjournment sine
 1481 die of the 2010 Regular Session of the Legislature. Any vacancy
 1482 that occurs on the commission must be filled in the same manner
 1483 as the original appointment. Members of the commission shall
 1484 serve without compensation but shall be entitled to receive per
 1485 diem and travel expenses in accordance with section 112.061,
 1486 Florida Statutes, while in performance of their duties.

1487 (4) ORGANIZATION.--The first meeting of the commission
 1488 shall be at the call of the chair and held no later than October
 1489 1, 2008. Thereafter, the commission shall meet at the call of
 1490 the chair but not less frequently than three times per year.
 1491 Each member of the commission is entitled to one vote. Actions
 1492 of the commission are not binding unless taken by a majority
 1493 vote of the members present. A majority of the members is
 1494 required to constitute a quorum, and the affirmative vote of the
 1495 quorum is required for a binding vote. The commission shall be
 1496 empowered to adopt its own rules of procedure and to have such
 1497 other powers as are reasonably necessary to complete its
 1498 responsibilities.

1499 (5) RESOURCES AND APPROPRIATIONS.--The Center for Urban
 1500 Transportation Research at the University of South Florida shall
 1501 provide staff and other resources necessary to accomplish the
 1502 goals of the commission. All agencies under the control of the
 1503 Governor are directed, and all other federal, state, and local
 1504 agencies are requested, to render assistance to and cooperate
 1505 with the commission. An annual appropriation of \$200,000 in
 1506 nonrecurring General Revenue funds in fiscal years 2008-2009 and

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1507 2009-2010 shall be appropriated to the Center for Urban
1508 Transportation Research to provide staff services and other
1509 related assistance to the commission.

1510 Section 23. Except as otherwise expressly provided in this
1511 act, this act shall take effect July 1, 2008.